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Email: [REDACTED]

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Dear Arthur and Jason

Approval of the 9th supplemental agreement (SA) to the track access contract between HS1 Limited and Eurostar International Limited

The Office of Rail and Road (ORR) has today approved the 9th SA to the track access contract dated 14 August 2009 between HS1 Limited (HS1) and Eurostar International Limited (Eurostar) (jointly the parties), submitted to us formally on 16 January 2025 under The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (the 2016 Regulations). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.

Purpose of the agreement

The current Eurostar track access contract is due to expire on 16 February 2025, following a previous six-month extension from 16 August 2024 by means of the 8th SA. This 9th SA extends the contract for a further 6-month period to 16 August 2025. During this six-month period HS1 Ltd and Eurostar will discuss renewing the contract for a further five-year period into 2030.



Consultation

A pre-application consultation was carried out by HS1 in line with the process set out in the HS1 Criteria and Procedures document (“the C&Ps”). No issues or objections were raised by any consultee.

The consultation carried out originally was for a five-year extension of the contract, which would have been from August 2024 to August 2029. Following consultation, the parties applied for only a 6-month contract extension (via the 8th SA), confirming to us that “matters have arisen between the parties during the course of the consultation that have meant we are only applying to extend for a 6-month period at this time”. As this 9th SA is extending the TAC for only a further six months, and this is shorter than the period on which consultation was sought, the consultation is still considered to be valid, although any further contract extensions will require a new consultation.

ORR review

Our review of the application raised no operational, performance or economic concerns.

ORR’s conclusions

Pursuant to Regulation 28(1) of the Regulations, in considering the application and in reaching our decision, we are required to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Railways Act 1993 (as amended). Approval of this application is consistent with these duties; in particular our duties to:

- protect the interests of users of rail services;
- promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of the railway network, to the greatest extent that ORR considers economically practicable;
- contribute to the development of an integrated system of transport of passengers and goods;
- promote competition in the provision of railway services; and
- enable persons providing railway service to plan the future of their businesses with a reasonable degree of assurance.



Conformed copy of the track access contract, public register and administration

Pursuant to paragraph 3.75 of the C&Ps, HS1 is required to produce a conformed copy of the track access agreement within 28 days of any amendment being made, and to send a copy to ORR. I look forward to receiving the conformed copy.

We will place a copy of the supplemental agreement on our public register. The parties have not asked us to make any redactions prior to placing it on the public register. Copies of this letter and the agreement will also be placed on the ORR website.

Yours sincerely



Louise Beilby